

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICHAEL CHARLES WARD,

Petitioner,

v.

Civil No. 5:11-CV-10648

HONORABLE JOHN CORBETT O'MEARA

UNITED STATES DISTRICT JUDGE

JEFFREY WOODS,

Respondent,

OPINION AND ORDER DENYING THE MOTION FOR RECONSIDERATION

On March 3, 2011, this Court dismissed petitioner's application for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2241, on the ground that it was duplicative of a habeas petition that petitioner had previously filed and which remained pending before Judge Lawson in *Ward v. Howes*, No. 2:08-CV-13051 (E.D. Mich.). The Court also denied petitioner a certificate of appealability and leave to appeal in forma pauperis. Before the Court is petitioner's motion for reconsideration. For the reasons stated below, the motion for reconsideration is DENIED.

U.S. Dist.Ct. Rules, E.D. Mich. 7.1 (h) allows a party to file a motion for reconsideration. However, a motion for reconsideration which presents the same issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *Ford Motor Co. v. Greatdomains.com, Inc.*, 177 F. Supp. 2d 628, 632 (E.D. Mich. 2001); *See also Williams v. McGinnis*, 192 F. Supp. 2d 757, 759 (E.D. Mich.

2002). A motion for reconsideration should be granted if the movant demonstrates a palpable defect by which the court and the parties have been misled and that a different disposition of the case must result from a correction thereof. *Williams*, 192 F. Supp. 2d at 759; *MCI Telecommunications Corp. v. Michigan Bell Telephone Co.*, 79 F. Supp. 2d 768, 797 (E.D. Mich. 1999). A palpable defect is a defect that is obvious, clear, unmistakable, manifest, or plain. *Witzke v. Hiller*, 972 F. Supp. 426, 427 (E.D. Mich. 1997).

Petitioner's motion for reconsideration will be denied, because petitioner is merely presenting issues which were already ruled upon by this Court, either expressly or by reasonable implication, when the Court dismissed petitioner's habeas application as duplicative. *Hence v. Smith*, 49 F. Supp. 2d 547, 553 (E.D. Mich. 1999).

ORDER

Based upon the foregoing, IT IS ORDERED that the motion for reconsideration [Dkt. Entry # 8] is **DENIED**.

s/John Corbett O'Meara
United States District Judge

Date: March 18, 2011

I hereby certify that a copy of the foregoing document was served upon Petitioner on this date, March 18, 2011, at Kinross Correctional Facility by first-class U.S. mail.

s/William Barkholz
Case Manager